

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

#2

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/841,321	04/23/2001	Dan W. Urry	BERL-020/04US

CONFIRMATION NO. 6851

23419
COOLEY GODWARD, LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306

FORMALITIES LETTER



OC000000006144576

Date Mailed: 06/04/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

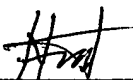
The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is unsigned.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance with these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Attorney Docket No. BERL-020/04US

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on June 13, 2001.

By: Vikki L. Athen

Vikki L. Athen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

In re application of Dan W. URRY

JUN 21 2001

Serial No.: 09/841,321

Examiner: Not Yet Assigned

Filed: April 23, 2001

OFFICE OF PETITIONS

DEPUTY A/C PATENTS Art Unit: Not Yet Assigned

For: **INJECTABLE IMPLANTS FOR TISSUE AUGMENTATION AND RESTORATION**

Commissioner for Patents
OFFICE OF PETITIONS
Washington, D.C. 20231

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

In response to the Notice of Incomplete Nonprovisional Application under 37 C.F.R. § 1.53(e) mailed June 4, 2001, enclosed are:

- ☒ copy of the Notice of Incomplete Nonprovisional Application
- ☒ executed Declaration
- ☒ Power to Prosecute
- ☒ Assertion of Entitlement to Small Entity Status
- ☒ A paper copy of the "Sequence Listing"
- ☒ A copy of the "Sequence Listing" in computer readable form on a:
 - ☒ 3 1/2" floppy disk
 The content of the copy in computer readable form is identical to the content of the paper copy of the "Sequence Listing."
- ☒ 6 sheets of Formal Drawings (Exhibit A)
- ☒ Petition for Filing Date and Response to Notice of Incomplete Nonprovisional Application
- ☒ Return postcard

No copy of the Raw Sequence Listing was provided to Applicant and therefore no copy is enclosed.

01/18/2002 HPRASASO 00000017 033117 09841321

01 FC:205

65.00 CH

and the payment of the following fee(s):

☒ Petition fee \$130.00

Total Fee due: \$130.00.

☒ Check No. 14690 in the amount of \$130.00 for the total fee is attached.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Cooley Godward LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663
SPE:vla

Respectfully submitted,
COOLEY GODWARD LLP

By:

Shelley P. Eberle
Shelley P. Eberle
Reg. No. 31,411

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>8/7/01</u>		2 Serial/Patent # <u>09/841,321</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/>	Petition	4	6/19/01	\$ 130.00
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
			7 TOTAL AMOUNT OF REFUND	\$ 130.00
8 TO BE REFUNDED BY:				
10 REASON:		Treasury Check		
	Overpayment	Credit Deposit A/C #:		
	Duplicate Payment	9 0 3 -- 3 1 1 7		
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
Filing Date Grant				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Nancy Johnson</u>			TITLE: <u>Petitions Attorney</u>	
SIGNATURE: <u>Nancy Johnson</u>			PHONE: <u>703-305-0309</u>	
OFFICE: <u>Petitions, 4700</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>Alicia Kelly</u>			DATE: <u>9-12-01</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: